

**ENTERED**

April 24, 2022

Nathan Ochsner, Clerk

**STATEMENT IN  
SUPPORT OF PROBABLE CAUSE**

IN RE: Eli Isaac MARTINEZ-Cardona

I, Mark A. Kwitowski, declare and state as follows:

On April 21, 2022, at approximately 4:00 p.m., a Border Patrol Agent (BPAs) was working his assigned duties of highway roving patrol in a marked service unit on Interstate Highway 35 (IH-35) north at the 30-mile marker near Laredo, Texas in Webb County. The BPA was notified via service radio by the Department of Defense (DOD) soldier parked at the 27-mile marker of a black Sport Utility Vehicle (SUV) turning northbound on the west access road that bypasses the Border Patrol Checkpoint on IH-35. The BPA, while at a stationary position on the 30-mile marker of the west access road, observed the black SUV pass his location with a driver wearing a white shirt and three passengers. The BPA observed the rear cargo area of the SUV very low. Since the west access road has been utilized for multiple attempts to smuggle undocumented non-citizens, the BPA began to follow the SUV northbound on the west access for further observation. The BPA observed the SUV travel under the overpass at the 32-mile marker and requested a vehicle registration check on the visible rear license plate via service radio to Laredo Sector Communications (KAK 940) that later returned to an SUV from San Antonio, Texas. The BPA then observed the SUV travel northbound to merge onto IH-35 and the BPA continued to follow. Once on the highway, the BPA observed the SUV quickly accelerate and drive aggressively while passing a tractor trailer and quickly changing lanes as if it were attempting to evade the BPA. At the 34-mile marker, the BPA regained position behind the SUV again and activated the emergency lights on the SUV to conduct an immigration inspection on the subjects inside the vehicle. The SUV did not immediately yield and continued to travel for approximately two more miles. The BPA activated his emergency siren to prompt the driver to pull over and, once activated, multiple heads of subjects in the rear cargo area looked backward through the rear windshield of the SUV. The SUV came to a stop at the 36-mile marker and multiple subjects began to run into the nearby brush. The BPA secured the vehicle and three subjects. Other BPAs searched the area and discovered four more subjects in the brush including the suspected driver wearing the white shirt, later determined to be Eli Isaac Martinez-Cardona. An immigration inspection was conducted on all the subjects, including Martinez-Cardona, and they were all determined to be illegally present in the United States.

**PRINCIPAL STATEMENT:** Eli Isaac Martinez-Cardona, an El Salvadorian, was provided his Miranda Rights in the Spanish language and acknowledged he understood them by signing service for I-214 and was willing to make a statement. Martinez-Cardona stated he was illegally present in the United States. Martinez-Cardona stated he illegally crossed the Rio Grande River near Laredo, Texas on April 20, 2022. Martinez-Cardona stated he paid \$3,000.00 United States Dollars (USD) to enter the United States illegally. Once in the United States, he entered a vehicle that took him to a house where he stayed for a few hours. An SUV then came to the house and picked him up and took him and other subjects to a road where they waited for several hours. Martinez-Cardona stated the driver was speaking to people on the phone and he was sitting the back seat. Martinez-Cardona stated he was sitting in the back seat when the SUV drove off and that he could not remember what the driver looked like. Martinez-Cardona gave written consent for BPAs to search his cellular phone which revealed incriminating communication to implicate Martinez-Cardona as the driver of the SUV in the failed smuggling attempt.

**MATERIAL WITNESS STATEMENT:** Fernando Ruiz-Garcia is a Mexican national who admitted being in the United States illegally and is serving as a material witness in the alien smuggling case against Martinez-Cardona. Ruiz-Garcia lona as the driver of the vehicle that was smuggling him when presented with he made arrangements to pay a total of \$9,000.00 USD to be smuggled into April 20, 2022, Ruiz-Garcia illegally crossed the Rio Grande River from Texas. Once in the United States, Ruiz-Garcia was picked up by a vehicle and at the house one night and was told by an unknown man it was his turn to side. Ruiz-Garcia entered the SUV and sat behind the driver seat. Ruiz-Garcia on the driver's seat wearing a white shirt. Ruiz-Garcia and Martinez-Cardona to arrive before they left the house. Ruiz-Garcia stated Martinez-Cardona continued driving. Ruiz-Garcia stated Martinez-Cardona made two phone calls Ruiz-Garcia stated once they got ahead of the checkpoint Martinez-Cardona them; not to move or look back. Ruiz-Garcia stated Martinez-Cardona were being followed and instructed the subjects in the Spanish language to

April 23, 2022, 01:11 PM, at Laredo, Texas.



Christopher dos Santos  
United States Magistrate Judge

I declare (certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on the 22nd day of April, 2022 at Laredo, Texas.



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Mark A. Kwitowski  
Border Patrol Agent  
United States Border Patrol

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